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ER 3035 87

30 July 1987

## MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Senators Boren and Cohen  
29 July 1987 - 1700 hours - 219 Senate Hart  
DCI/DDCI [redacted]

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The following items were discussed at the meeting.

1. There was considerable discussion of the article on Senator Leahy that had appeared in the Washington Post concerning his "resignation" from the Committee. In this connection, they asked if there had in fact been a letter from Durenberger and Leahy to the Agency [redacted]

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[redacted] I do not recall any such letter, but could OCA and Executive Registry double check to make sure. [redacted]

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2. I asked them about the proceedings with respect to Senator Durenberger, and they indicated that it is still active and being taken seriously. [redacted]

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3. The DCI asked whether there would be legislation coming out of the Iran Contra Hearings. Both Senators indicated that they thought not, especially in light of the progress being made in the discussions between the White House and the SSCI on an Executive Order and public ceremony. Sen. Boren indicated he had met with Cong. Stokes and that the House was apparently prepared to join in the effort with the caveat that any agreements would be in the context of current legislation. They indicated that various members would offer legislation, but they did not think any would be passed. [redacted]

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4. [redacted]

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5. The DCI raised press articles about his plans for personnel changes at CIA, noting the comments he had made to a reporter at the Denver Post to the effect that he has made no decisions and would be waiting for the final reports of the investigations, etc. In this connection, he informed the Senators about the appointment of Russ Bruemmer, his Special Counsel, and what he had asked Bruemmer to do. [redacted]

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6. The DCI raised the problem of Sen. Glenn's legislation with respect to GAO. Both Senators indicated there was great opposition within the Committee to the Glenn bill. [redacted]

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7. The DCI raised our concerns about the budget cuts in the Intelligence Community Staff. We explained the changes we had made in the staff, and suggested that at minimum the Committee restore \$1.2 million to the request and, if they thought it desirable, evaluate the work of the staff in a year. The DCI stated that he was not an advocate of large staffs, and they could rest assured that he would look closely at it, and if there were elements that are not doing their job, he would be prepared to pare down the organization. They indicated that they would take a close look. [redacted]

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8. [redacted]

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[redacted]  
Robert M. Gates  
Deputy Director of Central Intelligence

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DISSEMINATION BY ES/31 JUL 87

Orig - Dir, DCI/DDCI Exec Staff  
1 - DCI  
1 - DDCI  
1 - EXDIR w/o Para 9.  
1 - DDI               "  
1 - DDO               "  
1 - Counselor/DCI w/o Para 9  
1 - D/OCA w/o Para 9

Other Dissem

Para # 1 - D/PAO  
Para # 2 - OGC  
Para # 3 - OGC  
Para # 4 - DDA  
Para # 5 - OGC, DDA, IG & PAO  
Para # 6 - OGC, ICS, IG & COMPT  
Para # 7 - ICS & COMPT  
Para # 8 - DDA & DDS&T  
Para # 9 - DDS&T ONLY

S E C R E T

CONTROL NUMBER: ER 3035 87

DATE OF DOCUMENT: 30 July 1987

TO: Memorandum for the REcord

FROM: Robert M. Gates  
Deputy Director of Central Intelligence

SUBJECT: Meeting with Senators Boren/Cohen on 29 July 1987

REFERENCE:  
(CONTROL  
NUMBER) n/a

OFFICE OF RECORD: D/OCA

cc: Registry

File: SSCI

S E C R E T

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OCA 87-3197  
28 July 1987

MEMORANDUM FOR: The Director

FROM: David D. Gries  
Director of Congressional Affairs

SUBJECT: Your Meeting with Senators Boren and Cohen on  
29 July 1987

You are scheduled to meet with Senators Boren and Cohen on Wednesday, 29 July, at 1700 hours in 219, Senate Hart Office Building. Bob Gates will accompany you.

Suggested talking points are:

- Fallout from Iran-Contra Hearings: You may wish to ask the Senators for their views on the likelihood of restrictive legislation resulting from the Iran-Contra Investigation. 25X1
- Your New Counsel: Senators Boren and Cohen are likely to be interested in your plans for a special counsel if you wish to discuss the matter with them. 25X1
- National Security Council - Senate Intelligence Committee Discussion on Covert Action Notification: In case this subject comes up, agreement has been reached on all issues except the key one of prior notification. Senator Boren is insisting on notification within 48 hours of Presidential signature, but the President is unwilling to accept what is seen as an abridgement of constitutional prerogatives. It has been agreed that there will be no retroactive findings, oral findings must be reduced to writing immediately, findings will have a finite term unless the President renews them, and findings will state third party or private participation. Please see Tab A for additional details on this subject. 25X1

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-- General Accounting Office (GAO) Audit of Agency: On 1 July, Senator Glenn introduced his bill to permit GAO audit of CIA accounts. The bill has been referred to the Senate Intelligence Committee. We have tried, so far without success, to convey personally to Senator Glenn our objections to the bill. It would be useful if Senator Boren could meet with Senator Glenn to explain the disadvantages to CIA of the bill. [redacted]

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On 30 June, we forwarded to the Committee the requested report on our external space requirements. We have since responded to additional questions from Senator Metzenbaum [redacted] As a result of the delays and the need to continue with the parts of the project that are already underway, you have sent two letters informing the Committee of our intention to proceed with obligations unless objections are received by a specific date. One such date passed without any objections and the other date falls at the end of this week. The delays in proceeding with Building C plans have serious implications for Agency space needs in the mid-1990's when several buildings we currently lease are to be razed. [redacted]

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-- Senate Intelligence Authorization Bill: In the event it comes up, the Senate passed its Intelligence Authorization bill on 23 July. There are now cleared authorization bills in both the Senate and House. They will probably meet in conference in August or September, but a House source indicates the conference could be held before the 9 August recess. [redacted]

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New Pay System Proposal: In case this subject comes up, copies of the Executive Summary of the Human Resource Modernization and Compensation Task Force have been sent to key staffers on the Senate (and House) Intelligence Committees. They have been, and will continue to be, briefed at regular intervals on the progress of the Task Force. [redacted]

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cc: DDCI

Distribution:

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OCA/Senate, [redacted] (28 Jul 87


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OCA 87-3048  
27 July 1987

MEMORANDUM FOR: The Director

VIA: The Deputy Director

FROM: David D. Gries   
Director of Congressional Affairs

SUBJECT: Further developments relating to covert action  
notification procedures

In my Memorandum to you of 24 July 1987 I summarized the state of play in negotiations between the National Security Council and the Senate. Later that same day, National Security Council staffers met with Sven Holmes, Staff Director of the Senate Intelligence Committee, for further negotiations. Out of these came a redrafted Executive Order (attached).

This redrafted Executive Order differs in two important respects from the draft Executive Order attached to my memorandum of 24 July. First, the option to provide oral notification of sensitive findings has been dropped. Second, the language preserving the President's constitutional prerogatives has been moved from the end of the Executive Order to a preambulatory clause that now appears on page 2 as Section 1.3. This clause is intended to preserve the President's authority not to notify the Congress of a covert action.

You should also be aware that in the course of their negotiations, the White House and SSCI have abandoned an option which would allow the President to notify Congress of the existence of a finding but not the substance of the finding. Under the Executive Order, the President would be required to notify congressional leadership of the substance of the finding two days after the finding has been signed. Again, this requirement would be implicitly subject to the President's constitutional authority not to notify the Congress of covert action.

The Office of General Counsel, the Directorate of Operations, and my office are examining the redrafted Executive Order to determine whether the tasks it assigns to the Agency are practical and appropriate.

The House is still not part of these negotiations and may object to some provisions in the Executive Order.

Since both sides still hope to reach agreement by 7 August to stay ahead of anticipated legislative proposals, negotiations are likely to speed up. We will continue to monitor.

Attachment

~~All portions classified CONFIDENTIAL~~

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Next 6 Page(s) In Document Denied



OCA 87-3035  
24 July 1987

MEMORANDUM FOR: The Director

VIA: The Deputy Director

FROM: David D. Gries *DD*  
Director of Congressional Affairs

SUBJECT: Status of discussions between the National Security Council and the Senate Intelligence Committee regarding covert action notification procedures

This memorandum summarizes the state of play in the discussions. In order to make sure that CIA interests are preserved, I will continue to monitor, but not participate. Thus far no measures have been agreed to between the National Security Council and the Senate Intelligence Committee that would be impractical for CIA to implement.

Agreement has been reached on all issues except the key issue of delayed notification. Both sides accept the principle of no retroactive findings, agree that any oral findings must be reduced to writing immediately, support a sunset clause that specifies date certain termination of findings unless the President renews them, and agree to describe in findings third-party or private participation in covert action.

On the key issue of delayed notification, Senators Boren and Cohen are insisting that the Congress be informed within 48 hours of Presidential signature. As you know, the President is unwilling to accede to this position, since it would infringe his constitutional prerogatives. Resolving this difference is likely to be difficult and perhaps impossible.

~~All portions classified CONFIDENTIAL~~

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Senators Boren and Cohen met with Messrs. Carlucci and Baker on 22 July in an attempt to resolve these differences . They did not succeed. Chief of Staff Baker recommended preparing an Executive Order (draft at Tab A) describing the findings process and congressional notification procedures in a fashion that complies with most congressional wishes, but preserves the President's constitutional prerogatives with a sentence saying that "Nothing in this Executive Order shall be interpreted as limiting the President's authority under the Constitution."

Senator Boren hopes to conclude negotiations by 7 August to head off an anticipated groundswell for legislative remedies following conclusion of the Iran-Contra hearings. As you know, Senator Byrd has already introduced such a bill.

The situation in the House is clouded. Legislative remedies, including the Stokes bill on 48 hours notification, are already percolating, and House Members are likely to wonder why they are not participating in these discussions with the National Security Council. I urged the National Security Council staff to include the House to the extent possible.

Attachment

Name (including party/state:) David L. Boren (D., OK)

**District:** Oklahoma

First elected: 1979 Up for re-election: 1990 Winning %:

Past service on intelligence committee: Yes x No

Current service on intelligence committee: Yes ☒ No ☐

Term on intelligence committee expires: 1992

Other committee assignments: Agriculture, Nutrition & Forestry, Finance,

Small Business, Select Committee on Secret Military Assistance to Iran & the Nicaraguan Opposition

Major legislative interests: \_\_\_\_\_

Key votes: \_\_\_\_\_

Intelligence interests: Personnel issues, leaks, confidence building between  
Intelligence Committee & Intelligence Community

Visits to CIA facilities: \_\_\_\_\_

Last contact with DCI/DDCI: 10 June 1987 (Last meeting with Chairman Boren  
and Vice Chairman Cohen)

Recent correspondence: Two constituent letters--one concerning employment,  
the other concerning a missing father.



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